SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP Henry P. Baer (HB 1305) David E. Schwartz (DS 4473) Four Times Square New York, New York 10036 (212) 735-3000 Attorneys for Defendants Skadden, Arps, Slate, Meagher & Flom LLP and Susan Dornfeld

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

JONATHAN JUNG, 05-CV-4286 (MBM)

Plaintiff, ECF Case

•

- against - NOTICE OF DEFENDANTS'
MOTION TO DISMISS THE FIRST,

: MOTION TO DISMISS THE TRO

SKADDEN, ARPS, SLATE, MEAGHER & CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT

Defendants. : ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the attached Declaration of David E. Schwartz, dated June 10, 2005, and the exhibits thereto; the accompanying memorandum of law; and upon all prior pleadings and proceedings had herein, defendants Skadden, Arps, Slate, Meagher & Flom LLP and Susan Dornfeld, by and through their attorneys, Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, New York, 10036, will move this Court, before the Honorable Michael B. Mukasey, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order dismissing, with prejudice, the First, Third, Fourth and Sixth Causes of Action in the Complaint of plaintiff Jonathan Jung, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure,

and granting such other and further relief as this Court may deem just and proper, including costs.

Dated: New York, New York June 10, 2005

Respectfully submitted,

/s/ David E. Schwartz

Henry P. Baer (HB 1305)
David E. Schwartz (DS 4473)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
Attorneys for Defendants
Skadden, Arps, Slate, Meagher
& Flom LLP and Susan Dornfeld

To: Brendan Chao
BRENDAN CHAO, ESQ.
230 Park Avenue
New York, New York 10169
(212) 867-4753
Attorney for Plaintiff